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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

ARIEL ABITTAN

PLAINTIFF,

v.

LILY CHAO (A/K/A TIFFANY CHEN, A/K/A  
YUTING CHEN), DAMIEN DING (A/K/A  
DAMIEN LEUNG, A/K/A TAO DING),  
TEMUJIN LABS INC. (A DELAWARE  
CORPORATION), AND TEMUJIN LABS INC.  
(A CAYMAN CORPORATION),

DEFENDANTS,

and

EIAN LABS INC.,

NOMINAL DEFENDANT.

Case No.: 5:20-CV-09340-NC

**NOTICE OF JOINDER OF THE  
INDIVIDUAL DEFENDANTS IN  
DEFENDANT TEMUJIN LABS INC., A  
CAYMAN CORPORATION'S MOTION  
TO DISMISS COMPLAINT**

Date: Hearing date vacated<sup>1</sup>  
Time:  
Place: Courtroom 5, 4th Floor  
Judge: Hon. Nathanael Cousins

<sup>1</sup> On December 9, 2021, the Court vacated the hearing previously set for December 15, 2021 at 1:00 p.m. for Temujin Cayman's Motion. See ECF No. 117.

PLEASE TAKE NOTICE that the two individual defendants (“Individual Defendants”) will, and hereby do, join in part the pending Motion to Dismiss Complaint filed on November 8, 2021, by defendant Temujin Labs Inc., a Cayman corporation (“Temujin Cayman”) and the Memorandum of Points and Authorities in support thereof (the “Motion,” ECF No. 109) as set out below.

On December 9, 2021, the Court vacated the hearing previously set for December 15, 2021 at 1:00 p.m. for the Motion because “[t]he Court finds the motion suitable for decision without oral argument.” *See* ECF No. 117.

In particular, the Individual Defendants join in Temujin Cayman’s Motion to the extent that it argues that Plaintiff lacks standing to assert derivative claims on behalf of Eian Labs Inc. (“Eian”) given that the Complaint was not verified and Plaintiff is not a shareholder of Eian, both of which are mandated by Fed. R. Civ. P. Rule 23.1. Individual Defendants respectfully submit that those arguments (in Section III.A of the Motion, and in Section II.B of the Reply at ECF No. 114) apply in equal measure to Plaintiff’s derivative claims asserted against them, which are the exact same derivative claims asserted against Temujin Cayman.

The Individual Defendants’ response to the Complaint is due on December 15, 2021 and, accordingly, they are hereby filing this joinder to Temujin Cayman’s Motion to Dismiss.

Federal courts have long recognized the right to join in motions filed by other parties, particularly parties on the same side in a case; and such joinder is in fact encouraged when “the grounds stated in the motion are applicable to the joining party as well as the moving party.” *Willis v. Pacific Maritime Ass’n*, 1997 WL 488581, at p. \*2 (N.D. Cal. 1997).

Accordingly, Individual Defendants respectfully submit that the derivative claims in the Complaint should be dismissed with prejudice for the reasons set out by Temujin Cayman.

DATED: December 15, 2021

Respectfully submitted,

HANSEN LAW FIRM, P.C.

By: /s/ Craig A. Hansen

Craig A. Hansen

HANSEN LAW FIRM, P.C.

Attorneys for the Individual Defendants